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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**  
10

11 United States of America,  
12 Respondent/Plaintiff,  
13  
14 v.  
15 Darwin Rice,  
16 Petitioner/Defendant.

Case No. 2:98-cr-00207-GMN-1

**Stipulation to Extend Deadline for  
Sixth Joint Status Report**

17 The parties jointly request that the Court grant an extension of time to file  
18 the sixth joint status report due today, January 25, 2021, for the following  
19 reasons:

20 1. On September 30, 2019, this Court granted Defendant Darwin  
21 Rice's motion to stay these proceedings pending the Ninth Circuit's decision in  
22 *United States v. Monico Dominguez*, No. 14-10268 (9th Cir.), which was expected  
23 to address whether Hobbs Act robbery qualifies as a crime of violence under the  
24 elements clause of 18 U.S.C. § 924(c). In April 2020, the Ninth Circuit issued  
25 *United States v. Dominguez*, 954 F.3d 1251 (9th Cir. 2020), holding that both  
26

1 completed and attempted Hobbs Act robbery qualified as crimes of violence under  
2 18 U.S.C. § 924(c)'s elements clause.

3 2. The parties have provided joint status updates, and the Court has  
4 continued the stay pending final resolution of the *Dominguez* case in the Ninth  
5 Circuit. ECF Nos. 49-59. Most recently, the Court granted the parties' joint  
6 request for a stay pending the outcome of Mr. Dominguez's expected petition for a  
7 writ of certiorari with the Supreme Court and directed the parties to file a joint  
8 status report every 90 days beginning January 25, 2021. ECF No. 59.

9 3. It is the parties understanding that Mr. Dominguez has filed a  
10 petition for writ of certiorari. However, the petition has not been docketed by the  
11 Supreme Court. Therefore, the parties request the Court extend the due date for  
12 the sixth joint status report by 14 days, which will allow the parties time to  
13 review the petition once it is docketed and provide the Court with their positions.  
14

15 Dated: January 25, 2021.

16 RENE L. VALLADARES  
17 Federal Public Defender

NICHOLAS A. TRUTANICH  
United States Attorney

18 By: /s/Amy B. Cleary  
19 Amy B. Cleary  
20 Assistant Federal Public Defender

By: /s/Elizabeth O. White  
Elizabeth O. White  
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA  
3

4 United States of America,  
5 Plaintiff,

Case No. Case No. 2:98-cr-00207-GMN-1


6  
7 v.  
8 Darwin Rice,  
9 Defendant.

**Order Granting First Stipulation to  
Extend Deadline for Sixth Joint  
Status Report**

10  
11 Based on the stipulation of counsel, the Court finds that good cause exists to  
12 extend the deadline for the sixth joint status report currently due January 25,  
13 2021.

14 **IT IS THEREFORE ORDERED** that the parties have until February 8,  
15 2021 (14 days), to file the sixth joint status report.

16 DATED: January 25, 2021.

17  
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19 \_\_\_\_\_  
20 Gloria M. Navarro, District Judge  
21 UNITED STATES DISTRICT COURT  
22  
23  
24  
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**Certificate of Service**

I certify that on January 25, 2021, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the District of Nevada by using the appellate CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system. The following non-CM/ECF participants will be served by U.S. Mail: Mr. Darwin Rice.

/s/ Marlene Mercado  
Employee of the Federal Public  
Defender